C.R.No.177/06

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL REVISION PETITION NO.177/2006

Ram Singh Vs. Lal Chand & Anr.

DATE OF ORDER :: 28/11/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Suresh Dhenwal on behalf of Mr. Praveen Balwada, for petitioner

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Instant revision petition has been filed by the petitioner-defendant against the order dated 28th August, 2006 whereby his application filed under O.7 R.11 read with O.6 and R.15 CPC was rejected by the learned trial Judge.

Respondent-plaintiff filed the election petition under Rule 80 of Rajasthan Panchayati Raj [Election] Rules, 1994. After service of notice of the election petition upon the petitioner-defendant, application was filed under O.7 R.11 read with O.6 R.15 CPC on the premise that the facts referred to in the election petition were not duly verified by the respondent-plaintiff. In the absence whereof, the election petition filed by him is not maintainable. This fact was disputed by the respondent-plaintiff and a reference of which has been made by the learned trial Judge in his order about the facts referred to in the election petition from Para 1 to 11 have been duly verified. Even if there was some defect in the nature of verification

that cannot be ground for rejection of the election petition by invoking the provisions of O.7 R.11 CPC.

I do not find any error committed by the learned trial Judge in passing the order impugned dated 28th August, 2006.

Consequently, the present revision petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.